

Attorney Docket No. 04149/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Tooru HISHIYAMA et al

Serial No. : 10/805,618

Confirm. No.: 2133

Filed : March 18, 2004

For : CRUSHING CONTROL APPARATUS
FOR SHEARING CRUSHER

Art Unit : 3725

Examiner : Faye Francis

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(d) WITH STATEMENTS
UNDER 37 CFR 1.97(e) AND 37 CFR 1.704(d)
AND FEE (\$1.17(p))**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of a German Office Action dated
March 21, 2007 (and English translation thereof)
issued in a counterpart German application;
- (2) Copies of cited publications;
- (3) Form PTO/SB/08A; and
- (4) The USPTO fee of \$180.00 as set forth under 37 CFR
1.17(p) for filing an IDS at this stage of prosecution
(after allowance and before payment of the Issue Fee)
is being paid by credit card.

Authorization is given to charge any additional fees which
may be required, or to credit any overpayment, to Account No.
06-1378.

This paper is being submitted
via EFS-Web on April 13, 2007

In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not
filed concurrently herewith,
please consider this as a
Petition for the requisite
extension of time, and to the
extent not already paid,
authorization to charge the
extension fee to Account
No. 06-1378. In addition,
authorization is hereby given
to charge any fees for which
payment has not been
submitted, or to credit any
overpayments, to Account No.
06-1378.

An English translation of said German Office Action is provided, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

GB 2 062 496 (cited herein) is a counterpart of DE 29 37 846 which was cited in the German Office Action.

STATEMENT UNDER 37 CFR 1.97(e)(1)

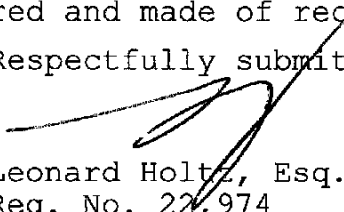
Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of March 21, 2007. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e).

STATEMENT UNDER 37 CFR 1.704(d)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the present Information Disclosure Statement.

It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

Respectfully submitted,



Leonard Holtz, Esq.
Reg. No. 22,974

Encls.

Dated: April 13, 2007

FRISHAUF HOLTZ GOODMAN & CHICK, P.C.
220 FIFTH AVENUE
NEW YORK, N.Y. 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
LH:nps

Please type a plus sign (+) inside this box →

+

PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/805,618
				Filing Date	March 18, 2004
				First Named Inventor	T. HISHIYAMA
				Group Art Unit	3725
				Examiner Name	Faye Francis
Sheet	1	of	1	Attorney Docket Number	04149/LH

U.S. PATENT DOCUMENTS

Exam. Inits ¹	Cite No ²	Document Number	Kind Code ²	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion

FOREIGN PATENT DOCUMENTS

Exam Inits ¹	Cite No ²	Offc ³	Document Number ⁴	Kind Code ⁵	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T ⁶
		DE	29 37 846	C2	ENGELBRECHT & LOMMERBROCK GMBH	03-26-1981		**
		DE	195 18 390	C2	HAACK EBERHARD DR	11-21-1996		*
		GB	2 062 496	A	ENGELBRECHT & LOMMERBROCK GMBH	05-28-1981		
*English Language Abstract provided **English language equivalent provided								

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Place a check here if English translation is attached.

DATE MAILED: **April 13, 2007**